

N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA MIDDLE DIVISION

KEITH EDMUND GAVIN,)
Petitioner,))
V.) Case No. 4:16-cv-00273-KOB
JEFFERSON S. DUNN,)
Commissioner of the Alabama)
Department of Corrections,)
•)
Respondent.)

VOLUME 30

State Court - Collateral Appeal Transcript

LUTHER STRANGE ALABAMA ATTORNEY GENERAL

AND

BETH JACKSON HUGHES ALABAMA ASSISTANT ATTORNEY GENERAL

ADDRESS OF COUNSEL:

Office of the Alabama Attorney General Capital Litigation Division 501 Washington Avenue Montgomery, AL 36130 (334) 242-7392

VOL. 12 of 22

CIRCUIT COURT NO CIRCUIT JUDGE David A. Rains De of Conviction/Order Appealed Fram: Rule 32 Idence Imposed: Performance Indigent: Pres NO KEITH EDMUND GAVIN NAME OF Stephen C. Jackson (Appellant's Attorney) (Appellant's Attorney) (Address) BirmIngham Alabama 35203 (City) (State) CC-98-61.60 & CC-98-62. CC-98-62. CC-98-61.60 & CC-98-62. COC-98-61.60 & CC-9	
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(State) (Zb Code) V. STATE OF ALABAMA	÷
STATE OF ALABAMA	
NAME (
	F APPELLEE
(State represented by Altorney General)	
NOTE: If municipal appeal, indicate above, and enter	
name and address of municipal attorney below.	
<u>df</u>	

(For Court of Criminal Appeals Use Only)

CH9716

ALABAMA DEPARTMENT OF CORMECTIONS INMATE SUMMARY AS OF 05/28/2002

Choe: coake

AIS: 00002565 IMMATE: GAVIN, KEITH COMUND

RACE: 8 SEX: 8

INSTITUTEDA: 979 - MOLMAN DEATH ROW

JAIL CA: DIVIDADS)

1009: 63/30/1960 SSN: 343-54-7790

ADM DT: 01/05/2000 DEAD TIME: 00Y DOM OOD

ADY TYP: DEATH ROM

STAT: ADMINISTRATIVE SEGREGATION -

CURRENT CUST: 22 -G CURRENT CUST DT: 03/14/2001 PAROLE REVIEW DATE: -NONE-

SECURITY LEVEL: NO CLASSIFICATION RECORD FOUND

SERVING UNDER ACT446 LAW IN ELIGIBLE

CURRENT CLASS DATE: 01/05/2000

INMATE IS EARNING : OF GROUP ACTIVITY

COUNTY SENT OT CASE NO CRIME CHEROKEE 01/35/00 V99000001 MURDER

JL-CA **TERM**

00000 0000 000 000 00 CAPITAL ROBBERY OF 1

CDURT COSTS : #0000574 FINES: \$0000000

RESTITUTION : \$0000050

TOTAL TERM MIN REL DI GOOD TIME BAL 100 Y 00 M 00D 00/00/0000 GOOD TIME REV 004Y 03M 230 LONG DATE COO MOG YOU 90/00/0000

INMATE LITERAL: ALSO SERVING #208409

DETAINER HARRANTS SUMMARY

DET WAT 05/28/2002 TYPE DUT-OF-STATE WARRANT LITERAL: MURDER/INTENT KILL/INJURE SED #: OI

IL DEPARTMENT OF CORRECTIONS CASE #: W#780826

ESCAPEE-PAROLE SUMMARY

INMATE CURRENTLY HAS NO PAROLE RECOPDS

INMATE CURSENTLY HAS NO PROBATION 754 RECORDS

INMATE HAS NO ESCAPES FROM ALABAMA D.O.C. SINCE 3.3.5.C.I.S. RECORDING BEGAN IN 1978

DISCIPLINARY/CITATION SUMMARY

>> DISCIPLINE; DB/14/2002 TIME LOST: DOYGOMOGO CUST FROM ZZ G TO ZZ G RETAINED DAYS: 6000 SED W: 02 RULE LIT: FIGHTING WITHOUT A WEAPON RULE NUMBER: 35

2202

Case 4:16-cv-00273-KOB Document 35-39 Filed 11/07/16 Page 4 of 101

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FLASAMA DEPARTMENT OF CORRECTIONS INMATE SUMMARY AS OF 05/29/2002

CODE: COMAG

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ATS: COCCZGGS INMATE: DAVIN, KEITH FORUND RACE: 3 SEX: 8 歌歌·李松声引起,如此中部八章·李明在自己的看着中心的看他像的姿态中都在在全部中的心里的感染和心理和心理和心理的。

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UP 980826 Warrant Number

-665

DEPARTMENT OF CORRECTIONS REC'D-CHICAGO

WARRANT

MAY 21 1999
FUGITIVE APPRECIATION

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x is nereby	ordered that the above nar	ned person be retak	en immediate	lvintaenas	d for delivery to the Director
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		ENTERED T	TERMINAL BYK	LS cor	
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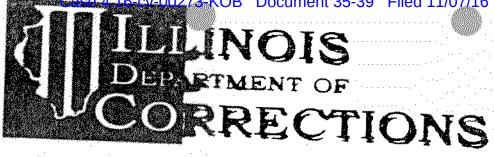
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Mayorie S. Berry Deputs Director, Community Services

State of Hillington
DEPARTMENT OF CORRECTIONS

PG-VIII

DC 738 (Nev. 10/98) IL 828-0288 00273-KOB Document 35-39 Filed 11/07/16 Page 6 of 101





Donald N. Snyder, Jr. Director

Carl Flagg Special Assutant To the Director

Extradition Unit

Bill Kane Extradition Officer

(312) 814-2940 (312) 814-0079

(312) 814-3097 Facsimilie

FAX COVER SHEET

TO: ALABAMA Dopt. of CORREctions
DEPARTMENT: Atto: Betty 150000
FAX NUMBER: 334 - 340 - 8832
DATE: 30 MAY 3002
FROM: 15RRILL P. HS
Number of pages faxed including cover sheet: (3)
SPECIAL INSTRUCTIONS: Keith Gavin # N3865 is wanted by Illinois
Department of Corrections under warrant = 47 980806 After subject has cleared
vour local charges please hold subject No Bail No Bond we will extradite. Please call (312)
814-2940, if further information is needed. 55# 343 - 54 - 7790
This facsimile transmission, including any accompanying documents may contain legally privileged attorney/client disclosures, sensitive or confidential law enforcement matters, or private and propriety information belonging to the sender and/or the intended recipient. The information was transmitted only for the use of the individual, government agency, or entity intended. If you are not the intended recipient, you are notified that any disclosure, copying, distribution, or action in reliance of the contents of this information is strictly prohibited and may be illegal.

Case 4:16-cv-00273-KOB Document 35-39 Filed 11/07/16 Page 7 of 101

STATE OF ILLINGIS --- DEPARTMENT OF CORRECTIONS **INSTITUTION GRAPHICS** Date: 5/20/02

Photo

Security Threat Group

Photo Taken At:

IDOC #: N23865 GAVIN, KEITH

On: 1/1/00 00:00:00

Nickname: Unknown

Demographic Information

Location: 081-00-00 Cell: 00

Age:

42

Sex:

Male

DOB:

03-30-1960 Race:

Black

Hair:

Black

Eyes: Brown

Weight: 145

Height: 509

Security Information

Sentence:

0034 yr 000 mn 000 dv

Transfer:

1996-10-23

Crime:

MURDER/INTENT TO KILL/INJURE

Security:

Minimum

Unassign:

N

Assignment:

Escape Risk: Low

Aggrn Level: Low

Grade:

A

Display Msr: 12/28/1997

Job:

ss# 343-54-7790

Case 4:16-cv-00273-KOB Document 35-39 Filed 11/07/16 Page 8 of 101

STATE OF ALABAMA BOARD OF CORRECTIONS

N601 D of C

INSTITUTIONAL INCIDENT REPORT

DOC No. 601 (REV. 4/81)		TO THE PORT OF THE PROPERTY OF	
I. Institution:	2. Date:	The state of the s	
Holman C.F.	3/5/01	3. Time:	4. Incident Number
5. Location Where Incident Occurre	d	J 11:57 a.m.	HP01-0189
Law library Death Row		6. Type of Incident:	。 1985年,日本中国的大学、大学、大学、大学、大学、大学、大学、大学、大学、大学、大学、大学、大学、大
7. Time Incident Reported:	AND THE PROPERTY OF THE PROPER	Fighting without a weap	Dii
11:56 a.m.		o. who received Report.	And a second
9. Victim: a.		Sgt. Raymond D. Fuqua	Real States
15.		The state of the s	annamberikalahan kanan antara kanan ka No
			No Company
10. Suspects:			
		11. Witnesses: a.	Example de la participa de la constitución de la co
		b.	No.
a Alonzo Burgess B/M	No. Z559		No.
b. Keith Gavin B/M	No. Z665	C.	No.
¢.	No. Z003	4.	No.
d.		e,	No.
e.	No.	£.	
	No.	g.	No.
			No.
Physical Evidence:			
12. Type of Evidence:			and the language of the following of the first of the fir
3. Description of Evidence			
TO THE PARTICIES	No.		
Chain of Evidence:			2800 and 2010 and 201
rrative Summary: On March 5, 2			

Narrative Summary: On March 5, 2001, at approximately 11:55 a.m., Officer Issac Poindexter was starting to run the treatment list for the unit infirmary. As Officer Poindexter was passing the law library (death row), he saw two inmates struggling with each other. The inmates were later identified as Alonzo Burgess, B/Z559, and Keith Gavin, B/665. Officer Poindexter alerted Sgt. Raymond D. Fuqua and other segregation officers that a fight was taking place in the library. Officers Poindexter, Sgt. Fuqua, Randall Steele, Mike Austin and David Smart went in and escorted inmate Burgess and Gavin from the law library to the lieutenant's office without incident. Inmates Burgess and Gavin were asked if they would like to go to the unit infirmary. Both inmates refused. See the attached medical release of responsibility form. When the inmates were asked by Sgt. Fuqua what caused this incident, inmate Gavin refused to say anything, inmate Burgess said he was just jenking inmate Gavin. After talking with Sgt. Fuqua inmates Burgess and Gavin were secured in their cells. Both inmates will be

DISTRIBUTION:

ORIGINAL Investigation and Inspection Division COPY to Deputy Commissioner, Institutions COPY to Institutional File COPY to Central Records File



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100 and 100 an	CONT	TINUATION SHEET	
		Incident Number:	Hp01-0189
		Type of Incident:	Fighting without a weapon
Date: 3/5/01			The state of the s
Narrative Summary (Continued) charged with rule #35, fi	Page No. ighting without a weapon.	Issac S. Poindext	er, COI
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<i>,</i> ;			•

Release of Responsibility

Gavin, Keith me of Inmate	3-5-01
me of Inmate	Date
2-665	
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pareby refuse to accept the following treatment / re	commendations:
to be seen a	June after fighting
cknowledge that I have been fully informed of and I the risk(s) involved in refusing I bereby release	understand the above treatment(s) or recommendation(s) and agree to hold harmless NaphCare, Inc., its employees
agents from all responsibility and ill effect which	may result from this action.
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Kastn Gu	
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501/1205	
_5_0//205 e/Time	
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form.	
*	
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Release of Responsibility

Burges, Alonzo	3-5-01 Date
rame of Inmate	Date
2-559	
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4	
acknowledge that I have been fully informed of and und d the risk(s) involved in refusing. I hereby release and d agents from all responsibility and ill effect which ma	agree to hold harmless NaphCare, Inc., its employees
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ithess	Date / Time ·
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tnace	

UBR452

SPATE DEPARTMENT OF CURRECTIONS

INITIAL

CLASSIFICATION SUMMARY

BATE-10/26/2000

AIS#: 00001665 NAME: GAVIN, KEITH EDMUND

RACE: 3 SEX: N

ATE OF BIRTH: 03/30/1960 PLACE OF BIRTH: UNITED STATES

'MSTITUTION: HOLMAN DEATH ROW

CITIZENSHIP: YES

FARGLE CONSIDERATION DATE: 00/00

MAIR: DLK

TURRENT CUSTODY: OTWO

HIGHEST GRADE LEVEL COMPLETED: ..

PRIMARY OCCUPATION: MECHANIC, DIESEL

JECONDARY OCCUPATION: LABORER 2 SEMERAL

MIN RELEASE DATE: 00/00/0000

LUNG RELEASE DATE: 00/00/0000

CURRENT CONVICTIONS

DATE

CRIME

TERM CS/CC HD RST. FEES

1/05/2000 AURDS

POSSIBLE DETAINERS

PRIOR CONVICTIONS

HO PRIOR CONVICTIONS ON FILE

POSSIBLE DUT OF STATE CONVICTIONS 4:

ESCAPES

NO ESCAPE RECORDS FOUND ON FILE

OTHER THAN STATE ESCAPES/ESCAPE REHAVIOR-

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GAVIN, KEITH EDNOND

COMTINUED

PARULE & PROSATION

NO PEP RECORDS FOUND ON FILE

DISCIPLINARIES

NO DISCIPLINARIES FOUND ON FILE

KNOWN ENEMIES

POSSIBLE EMEMIES A. POLL Afforded:

*SYCHOLOGICAL COMMENTS All 15. F. NO. SMIlley Alported

PHYSICAL COMMENTS- TO Major Milleur Alfatell.

MANE AND ADDRESS OF FAMILY MEMBERS

FATHER. MULL STUM (Millaged) 989)

SIBLINGS Joseph Steel (Melaso)

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(ago) The day

delle delle della po

- Gavin (Clueago)

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Phildren: None

STATE OF ALABAMA,

IN THE CIRCUIT COURT FOR

PLAINTIFF

VS.

B/MZ665

CHEROKEE COUNTY, ALABAMA

KEITH EDMUND GAVIN, HCC

DEFENDANT MAX

CASE NO: CC-98-61 and

ORDER TO TRANSPORT DEFENDANT

TAS

A hearing on the Defendant's MOTION FOR NEW TRIAL is set before the Court in the above cases on May 30, 2000, at 1:30 p.m. in the courtroom of the Cherokee County Courthouse, Centre, Alabama, and the Defendant is presently in the custody of the Department of Corrections. It is therefore,

ORDERED that the Sheriff of Cherokee County, Alabama, or his duly authorized deputy, shall transport the Defendant from the custody of the Department of Corrections, to the Cherokee County Jail for the hearing in the above cases.

At the conclusion the Sheriff shall redeliver the Defendant to the custody of the Department of Corrections.

Done this _____ day of May, 2000.

DAVID A. RAINS, CIRCUIT JUDGE

ORDER TO TRANSPORT CHEROKEE COUNTY, ALABAMA

Copies to:

Attorney for:

Mr. Michael E. O'Dell

State of Alabama

Mr. Stephen P. Bussman

Keith Edmund Gavin

Mr. Steven G. Noles

Hon. Roy Wynn Sheriff, DeKalb County

Mr. Cecil Atchison Transfer Agent Alabama Department of Corrections 50 South Ripley Street Montgomery, Alabama 36130

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JUDGE DAVID A RAINS
[300 Crand Ave. S.W., Suite 406]
[Fort Payne. AL 35967]
[(256) 845 8545]
[(256) 045 0530]

Tax	To: Linda Al Earn: Warden
to:	WANDEN, STEVE DEES
fax #:	(205) 467-2474
# *******	DAVID A. RAINS, CIRCUIT JUDGE
ોઢ થકા	1:0vermore 5, 1999
subject:	KEITH EDMUND GAVIN CC-98-61 AND CC-98-62 CHEROKEE COUNTY, ALABAMA
pages:	2 (including cover sheet)
NOTES:	



OLABAMA JUDICIAL DATA CENTER CHEROKEE COUNTY TRANSCRIPT OF RECORD CONVICTION REPORT

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PERATOR: BEL		(Car 01/0	Jarolyn 97-1 10672000	Smith

OPERATOR: BEL PREPARED: 01/06/2000

CASE ACTION SUMMARY CONTINUATION

CHEROKEE COUNTY

CASE NO(S): CC-98-61

RAINS, CIRCUIT JUDGE

STATE OF ALABAMA VS. KEITH EDMUND GAVIN

DATE

ACTIONS, JUDGMENTS, CASE NOTES

11-6-99

This case came for trial on November 3, 1999, and the Defendant having previously been arraigned and having entered a plea of NOT GUILTY.

Thereupon, on November 3, 1999, the trial of this case was entered upon and proceeded from day to day and time to time before a jury of twelve (12) jurors, duly drawn, sworn and impaneled according to law. In open Court on November 6, 1999, in the presence of the District Attorney, the Defendant, and the jurors, to-wit: Terry L. Manley, Sr., as foreman, and eleven others who having heard the evidence and the charge of the Court upon their oaths, did say:

COUNT I:

WE, THE JURY, FIND THE DEFENDANT, KEITH EDMUND GAVIN, GUILTY OF THE OFFENSE OF CAPITAL MURDER.

COUNT II:

WE, THE JURY, FIND THE DEFENDANT KEITH EDMUND GAVIN, GUILTY OF THE OFFENSE OF CAPITAL MURDER.

DEC 0 2 1999

Ord. M. Oriz CIRCUIT CLERK CHEROKEE COUNTY, AL STATE OF ALABAMA,

IN THE CIRCUIT COURT FOR

PLAINTIFF

*

VS.

CHEROKEE COUNTY, ALABAMA

KEITH EDMUND GAVIN,

JAN 0 5 2000

DEFENDANT

CASE NO: CC-98-61

CIRCUIT CLERK EBOKEE COUNTY AL

SENTENCING ORDER

The Defendant, Keith Edmund Gavin, was charged in a two count indictment. Count One charged the Defendant with Capital Murder for the intentional killing of William Clinton Clayton, Jr. during the commission of Robbery In The First Degree. Count Two charged him with Capital Murder for the intentional killing of William Clinton Clayton, Jr. after the Defendant had been previously convicted of another murder within twenty years preceding the murder of William Clinton Clayton, Jr.

On November 6, 1999, a jury returned a verdict finding the Defendant guilty of Capital Murder under both counts of the indictment. In accordance with the verdict of the jury the Defendant has been adjudged by the Court guilty of Capital Murder under both counts of the Indictment.

A separate sentence hearing was conducted before the same jury pursuant to Title 13A-5-46, Code of Alabama, and on a vote of tento two, the jury recommended that the Defendant be sentenced to death. The Court ordered and received a written presentence investigation report, and conducted an additional sentence hearing pursuant to Title 13A-5-47, Code of Alabama.

At the sentence hearing the State, through the District



JAN 0 5 2000

CIRCUIT CLERK CHEROKEE COUNTY, AL

Attorney, urged the Court to follow the jury recommendation and fix the Defendant's punishment at death. The Defendant, through his attorneys, argued that the Court should fix the Defendant's punishment at life imprisonment without parole. The Defendant was asked whether he had anything to say why the sentence should not be pronounced. The Defendant has said nothing in bar or preclusion of sentence.

FINDINGS OF FACT SUMMARIZING THE CRIME AND THE DEFENDANT'S PARTICIPATION IN IT

William Clinton Clayton, Jr. was a contract courier for Corporate Express Delivery Systems, Incorporated. Although his routine typically involved the use of his private automobile to provide courier services, on March 6, 1998, he drove a Corporate Express van because his personal vehicle was having mechanical problems.

As Mr. Clayton sat in the driver's seat of this marked van at the curb near the entrance to Region's Bank in Centre, Cherokee County, Alabama, the Defendant approached him from the street, opened the driver's door, and shot Mr. Clayton twice. One of the bullets passed through his heart and both lungs. The other through his hip. He died of these multiple gunshot wounds.

The reason for the Defendant's presence at that place and at



JAN 0 5 2000

CHAGE YA COMEC CIRCUIT CLERK CHEROKEE COUNTY, AL

that time was recounted by the Defendant's companion on this occasion, Mr. Dwayne Meeks. Meeks and the Defendant are cousins and both were residing in the Chicago, Illinois area in early 1998. Meeks worked for the Illinois Department of Corrections, and the Defendant had been recently paroled after serving approximately seventeen years of a thirty-four year sentence imposed by the Circuit Court of Cook County, Illinois, for Murder.

Meeks grew up in Fort Payne, Alabama, and had other relatives and friends residing in this area. Meeks brought the Defendant to Fort Payne in February 1998, for a "change of scenery" and to go "whoring".

Meeks testified that following the February visit to Alabama, the Defendant wanted to return in March to find a woman whom he had met the month before. Meeks agreed to drive the Defendant to Chattanooga, Tennessee, where Meeks charged two motel rooms on his credit card, and from which said location Meeks and the Defendant were to conduct the search for the woman. If she was located, the Defendant intended to remain in this area, and Meeks planned to return to Chicago after being reimbursed by the woman for the motel and other expenses.

In addition to the Defendant, Meeks was accompanied to Chattanooga by his wife and child, where they remained while the



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efforts to locate the woman proceeded. Meeks and the Defendant went to Fort Payne, and from there to Centre, Alabama, at the corner where Mr. Clayton sat in his courier van.

There was tension between Meeks and the Defendant because of the expenses which Meeks had incurred for this trip, and because of Meeks' concern that he would not be reimbursed if the woman could not be located. Nevertheless, when the Defendant exited the car at the intersection by Region's Bank, Meeks thought the Defendant was going to ask for directions. Instead, the Defendant shot and killed William Clinton Clayton, Jr.

Meeks fled from the scene in his car. The Defendant pushed the mortally wounded courier aside and followed Meeks in the Corporate Express van. When the Defendant stopped in response to a blue light, he exited the van. When Officer Danny Smith exited his pursuit vehicle, the Defendant took aim at short range and attempted to kill the officer by firing two shots at him. The Defendant fled into the nearby woods.

Following a four hour manhunt the Defendant was apprehended standing waist deep in a creek where he was detected by search dogs.



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FINDINGS CONCERNING THE EXISTENCE OR NONEXISTENCE OF AGGRAVATING CIRCUMSTANCES

The law requires the trial Court to enter specific findings concerning the existence or non-existence of each aggravating circumstances enumerated by statute. This Court finds that the following three aggravating circumstances were proven beyond a reasonable doubt:

1. THE CAPITAL OFFENSE WAS COMMITTED WHILE THE DEFENDANT WAS UNDER A SENTENCE OF IMPRISONMENT.

The term "under sentence of imprisonment" is defined under Title 13A-5-39(7) as "while serving a term of imprisonment, while under a suspended sentence, while on probation or parole, or while on work release, furlough, escape, or any other type of release or freedom while or after serving a term of imprisonment, other than unconditional release and freedom after expiration of the term of sentence".

The Defendant was convicted of Murder in the Circuit Court of Cook County, Illinois, on June 9, 1982, and he was sentenced to thirty-four years in prison. The Defendant was paroled on December 28, 1997, and was still on parole at the time of the murder on March 6, 1998.

At the time of the murder of William Clinton Clayton, Jr. on



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March 6, 1998, the Defendant was under a sentence of imprisonment as that term is defined by Alabama Law.

2. THE DEFENDANT WAS PREVIOUSLY CONVICTED OF ANOTHER FELONY INVOLVING THE USE OF VIOLENCE TO THE PERSON.

The Defendant was convicted of Murder in the Circuit Court of Cook County, Illinois on June 9, 1982.

3. THE CAPITAL OFFENSE WAS COMMITTED WHILE THE DEFENDANT WAS ENGAGED IN OR WAS AN ACCOMPLICE IN THE COMMISSION OF OR AN ATTEMPT TO COMMIT, OR FLIGHT AFTER COMMITTING, OR ATTEMPTING TO COMMIT, ROBBERY.

Count One of the Indictment charged the Defendant with intentional murder in the course of committing a theft of a 1996 Ford van belonging to Corporate Express Delivery Systems, Incorporated by the use of force against the driver, William Clinton Clayton, Jr.

The Defendant took Meeks' 40 calibre Glock pistol either from Meeks' residence or from the Meeks' vehicle without the consent or permission of Meeks. According to Meeks, the Defendant secreted the weapon until the Defendant used it to kill William Clinton Clayton, Jr. and took the vehicle which Mr. Clayton was driving.

The capital crime of intentional killing of another during the commission of robbery is a single offense consisting of two elements. The intentional killing of Mr. Clayton and the theft of



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the vehicle were part of a continuous chain of events. Therefore, the capital offense was committed while the Defendant was engaged in the commission of or attempt to commit robbery.

FINDINGS CONCERNING THE EXISTENCE OR NONEXISTENCE OF MITIGATING CIRCUMSTANCES

I.

In compliance with the statutory requirement that the trial Court enter specific findings concerning the existence or nonexistence of each mitigating circumstance enumerated by statute, the Court finds that NONE OF THE FOLLOWING MITIGATING CIRCUMSTANCES EXIST in this case:

1. THAT THE DEFENDANT HAD NO SIGNIFICANT HISTORY OF PRIOR CRIMINAL ACTIVITY.

The Defendant was convicted of Burglary in Cook County, Illinois, on October 25, 1979. He was also convicted of Murder on June 9, 1982, in Cook County, Illinois.

The presentence report indicates that the Defendant has been charged or implicated in other criminal activity, but there is no record of conviction for any offense other than the prior crime of murder and burglary as stated above. To the extent that the presentence report suggests any other criminal activity, same is not considered an aggravating circumstance, and has not been



JAN 0 5 2000

Clarge Yn Court CIRCUIT CLERK CHEROKEE COUNTY, AL

weighed as such by this Court.

This Court finds that there is no support for this mitigating circumstance.

2. THAT THE CAPITAL OFFENSE WAS COMMITTED WHILE THE DEFENDANT WAS UNDER THE INFLUENCE OF EXTREME MENTAL OR EMOTIONAL DISTURBANCE.

During the few hours leading up to the murder of Mr. Clayton, Meeks had apparently insisted on being reimbursed for his expenses in bringing the Defendant to Alabama. These demands did not invoke extreme mental or emotional disturbance, although this may explain the Defendant's motive for the robbery.

The Defendant is an intelligent person capable of making independent choices.

There was no plea of mental disease or defect, and at no time did the Defendant seek to have a mental evaluation for the purpose of asserting such a defense.

The Court finds that there is no support for this mitigating circumstance.

3. THAT THE VICTIM WAS A PARTICIPANT IN THE DEFENDANT'S CONDUCT OR CONSENTED TO IT.

The Court finds that there is no support for this mitigating circumstance.



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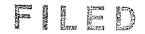
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4. THAT THE DEFENDANT WAS AN ACCOMPLICE IN THE CAPITAL OFFENSE COMMITTED BY ANOTHER, AND HIS PARTICIPATION WAS RELATIVELY MINOR.

The Defendant was identified by an eye witness as the person who committed the offense in question. Likewise, Meeks reported that the Defendant committed the murder and robbery of Mr. Clayton. Nevertheless, Meeks was indicted along with the Defendant. The State subsequently dismissed the charge against Meeks who thereafter testified against the Defendant on behalf of the State.

There is no direct evidence that the State's dismissal was a quid-pro-quo for Meeks' testimony, but throughout the trial, the Defendant's attorneys attempted to impeach Meeks' credibility by proving that he was originally charged in the case, and that by virtue of the dismissal of those charges, he was thereby motivated to testify falsely against the Defendant.

The Defendant's attorneys also challenged the forensic evidence in an effort to try to implicate Meeks as the guilty party. For example, the Defendant argued that the driver would have been covered with the victim's blood, but no blood was found on the Defendant or on his clothes even by DNA examination. In addition, there was no evidence of the Defendant's fingerprints in or on the courier van. The Defendant also argued that even though he was arrested standing waist deep in a creek, he was not



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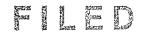
CIRCUIT CLERK
CHEROKEE COUNTY, AL

submersed long enough to completely cleanse blood from his clothes, and that if he had been submersed long enough to have that effect, he would have died from hypothermia.

The Defendant was identified by Officer Danny Smith who viewed the Defendant at a distance of only a few feet when the Defendant exited the stolen van, fired at Officer Smith and escaped into the woods. A toboggan matching the description reported by eyewitnesses was found near the site where the Defendant was apprehended, and Meeks' gun was later found near where the Defendant entered the woods as he escaped from Officer Smith.

The ballistics analysis established that the shell casings ejected by the weapon fired at Officer Smith were identical to the shell casings found in the street at the site where Mr. Clayton was shot, and that the casings from both sites were fired by the weapon found in the woods near where the Defendant was apprehended.

In summary, the Defendant attempted to implicate Meeks as the killer by a combination of the challenges to the forensic evidence coupled with his challenge of Meeks' credibility. The Defendant emphasized the undisputed fact that Meeks drove the Defendant to the scene of the crime, and that Meeks' pistol was the murder weapon. The evidence of the Defendant's guilt is, however, overwhelming.



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There is no basis on which to conclude that the Defendant was merely an accomplice with minor participation in the crime. This Court finds that there is no support for this mitigating circumstance.

5. THAT THE DEFENDANT ACTED UNDER EXTREME DURESS OR UNDER THE SUBSTANTIAL DOMINATION OF ANOTHER PERSON.

This Court finds that there is no support for this mitigating circumstance.

6. THAT THE CAPACITY OF THE DEFENDANT TO APPRECIATE THE CRIMINALITY OF HIS CONDUCT OR TO CONFORM HIS CONDUCT TO THE REQUIREMENTS OF LAW WAS SUBSTANTIALLY IMPAIRED.

This Court finds that there is no support for this mitigating circumstance.

7. THE AGE OF THE DEFENDANT AT THE TIME OF THE CRIME.

At the time of the commission of the offense on March 6, 1998, the Defendant was 37 years of age. The age of the Defendant is not a mitigating circumstance.

II.

In addition to the mitigating circumstances specified by statute, and the findings of this Court relating thereto as set out above, mitigating circumstances include any aspect of the Defendant's character or record and any of the circumstances of the

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offense that the Defendant offers as a basis for a sentence of life imprisonment without parole instead of death, and any other relevant mitigating circumstance which the Defendant offers as a basis for a sentence of life imprisonment without parole instead of death.

As a supplement to the Probation Officer's written report, the Defendant has provided a memorandum from sentencing consultant, John David Sturman and Associates of Chicago, Illinois; the whole of which said memorandum has been considered by this Court. In that memorandum the Defendant's mother is reported to have described the Defendant's life as influenced by, or subject to, a combination of drugs and gang violence while living in a Chicago housing project. The Defendant's mother also testified at the Sentence Hearing conducted before the jury. The Defendant's attorney has advised the Court, however, that the Defendant denies ever having a drug problem.

At the Sentence Hearing conducted before the jury the Court heard testimony of Rev. A. J. Johnson who spoke eloquently on behalf of the Defendant as a result of his frequent meetings with the Defendant over the many months of the Defendant's incarceration. Rev. Johnson opines that the Defendant has concern and sympathy for the victim's family, and that the Defendant is

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Clarge to Charl CIRCUIT CLERK CHEROKEE COUNTY, AL

capable of a closer relationship with God.

This Court has considered all matters presented by the Defendant, but this Court does not find any support for any non-statutory mitigating circumstance.

CONCLUSION

This Court has carefully considered the aggravating circumstances which have been proven to the satisfaction of the Court beyond a reasonable doubt. There are no mitigating circumstances. The aggravating circumstances, therefore, outweigh the mitigating circumstances.

This Court has also carefully considered the jury recommendation that the Defendant be sentenced to death.

It is hereby ORDERED, ADJUDGED AND DECREED that the Defendant shall be punished by death. The sentence of death shall be consecutive to the sentence imposed in case number CC-98-62 in the circuit Court of Cherokee County, Alabama. The Sheriff shall remove the Defendant to the custody of the Alabama Department of Corrections where in strict accordance with the law the Defendant shall be put to death. In accordance with the Alabama Rules of Court the Supreme Court of Alabama shall set an execution date, and the Supreme Court Order fixing the execution date shall constitute the execution warrant.



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CIRCUIT CLERK CHEROKEE COUNTY, AL

Even though every case in which the death penalty is imposed is subject to automatic review by the Alabama Court of Criminal Appeals and the Alabama Supreme Court, the Defendant is hereby advised of the right to appeal. If the Defendant wishes to appeal he must do so by giving notice of appeal within forty-two (42) days from the date of this Order. If the Defendant is an indigent and cannot afford a lawyer to represent him on appeal, the Court will appoint a lawyer for him and provide a free transcript of all proceedings in this case.

This Court having previously determined that the Defendant is indigent, the Court hereby appoints MR. STEPHEN P. BUSSMAN, 212 ALABAMA AVENUE SOUTH, P.O. BOX 925, FORT PAYNE, ALABAMA 35967 (256) 845-7900 to represent the Defendant on appeal.

The defendant will receive credit for the time during which he has been incarcerated on the present charge.

Done this 5th day of January, 2000.

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CIRCUIT CLERK CHEROKEE COUNTY, AL DAVID A. RAINS, CIRCUIT JUDGE

JAN 0 5 2000

CIRCUIT CLERK CHEROKEE COUNTY, AL

Copies to:

Attorney for:

Edmund Keith Gavin

Michael F O'Dell . State of Alabama

Mr. Michael E. O'Dell Mr. Robert F. Johnston

Mr. H. Bayne Smith

Mr. John H. Ufford

MI. JOIN II. OTTO

Mr. Lane Mann

Clerk

Court of Criminal Appeals

300 Dexter Avenue

Montgomery, Alabama 36104-3741

Mr. Robert G. Esdale Sr.

Clerk

Supreme Court of Alabama

P.O. Box 157

Montgomery, Alabama 36101

Hon. Carolyn Smith,

Clerk

Cherokee County Circuit Court

Cherokee County Courthouse

Room 203

100 Main Street

Centre, Alabama 35960

Ms. Trina Higgins,

Court Reporter

Mr. Stephen P. Bussman

Mr. Keith Edmund Gavin



ALABAMA JUDICIAL DATA CENTER CHEROKEE COUNTY TRANSCRIPT OF RECORD CONVICTION REPORT

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CASE ACTION SUMMARY CONTINUATION

CHEROKEE COUNTY

CASE NO(S): CC-98-62

STATE OF ALABAMA KEITH EDMUND GAVIN

DATE

ACTIONS, JUDGMENTS, CASE NOTES

11-6-99

This case came for trial on November 3, 1999, and the Defendant having previously been arraigned and having entered a plea of NOT

Thereupon, on November 3, 1999, the trial of this case was entered upon and proceeded from day to day and time to time before a jury of twelve (12) jurors, duly drawn, sworn and impaneled according to law. In open Court on November 6, 1999, in the presence of the District Attorney, the Defendant, and the jurors, to-wit: Terry L. Manley, Sr., as foreman, and eleven others who having heard the evidence and the charge of the Court upon their oaths, did say:

WE, THE JURY, FIND THE DEFENDANT, KEITH EDMUND GAVIN, GUILTY OF THE

DEC 0 2 1999

County 72 Doniel CIRCUIT CLERK CHEROKEE COUNTY, AL RAINS, CIRCUIT JUDGE

CASE ACTION SUMMARY CONTINUATION

CHEROKEE COUNTY

CASE NO(S): CC-98-62

STATE OF ALABAMA VS. KEITH EDMUND GAVIN

DATE

ACTIONS, JUDGMENTS, CASE NOTES

1-5-2000

The Defendant's sentencing came for hearing on this date. The Defendant appeared with his APPOINTED counsel, MR. H. BAYNE SMITH and MR. JOHN H. UFFORD.

On November 6, 1999, the Defendant was found GUILTY of the offense of ATTEMPTED MURDER, and on November 8, 1999, the Defendant was adjudged guilty of said offense. After affording the Defendant an opportunity to make a statement before imposition of sentence, the Court imposed the following sentence:

The Defendant is hereby sentenced to LIFE in the State Penitentiary. This sentence shall run CONSECUTIVELY with the sentence imposed this date in CC-98-61. The Defendant shall commence serving his sentence at this time.

The Defendant shall receive credit for the time during which he has been incarcerated on the present charge.

The Court having previously determined that the Defendant is indigent, the Court hereby appoints MR. STEPHEN P. BUSSMAN, 212 ALABAMA AVENUE SOUTH, P.O. BOX 925, FORT PAYNE, ALABAMA 35967, (256) 845-7900, to represent the Defendant on appeal.

DAVID A. RAINS, CIRCUIT JUDGE

Copies to:

Mr. Michael E. O'Dell Mr. Robert F. Johnson

Mr. H. Bayne Smith /

Mr. John H. Ufford /

Mr. Stephen P. Bussman

Ms. Trina Higgins

Mr. Keith Edmund Gavin

The Court Court

JAN 0 5 2000

CIRCUIT CLERK CHEROKEE COUNTY, AL STATE OF ALABAMA,

PLAINTIFF

* CHEROKEE COUNTY, ALABAMA

KEITH EDMUND GAVIN,

DEFENDANT

* CASE NO: CC-98-61 and

ORDER TO TRANSPORT DEFENDANT

The Defendant shall appear before the Court for sentencing in the above cases on January 5, 2000 at 1:30 p.m. in the courtroom of the Cherokee County Courthouse, Centre, Alabama, and the Defendant is presently in the custody of the Department of Corrections. It is therefore,

ORDERED that the Sheriff of Cherokee County, Alabama, or his duly authorized deputy, shall transport the Defendant from the custody of the Department of Corrections, to the Cherokee County Jail for the sentencing in the above cases.

At the conclusion the Sheriff shall redeliver the Defendant to the custody of the Department of Corrections.

Done this 13 day of December, 1999.

DAVID A. RAINS, CIRCUIT JUDGE

ORDER TO TRANSPORT CHEROKEE COUNTY, ALABAMA

Copies to:

Attorney for:

Mr. Michael E. O'Dell

State of Alabama

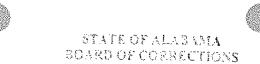
Mr. Robert F. Johnston

Keith Edmund Gavin

Mr. H. Bayne Smith Mr. John H. Ufford

Hon. Roy Wynn Sheriff, DeKalb County

Mr. Cecil Atchison
Transfer Agent
Alabama Department of Corrections
50 South Ripley Street
Montgomery, Alabama 36130



INSTITUTIONAL INCIDENT REPORT

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N. 642

COLUMNION Sheet

C. Clair Corr. Fac.

1/2/2000

Type of Incident.

Failure to obey / USE OF TORCE

Provider Sammary Continues of Figs No. 3

STATEMENT

On 1/2/2009, Cedric Bothwell, COI, we informed to report to the segregation office for a cell extraction on intraste Keith Gavin, B/OSK\$43. At approx. 4:20PM, Officer Bothwell, COIs Thomas Martin, Frank Michans, Bryan Chapman, COIIs Samuel Howard, John Sanderson and Gary Malone went to H1 A-07 for a cell extraction. Sgt. Malone gave immate Gavin a direct order to place his hands out of the tray door to be har souffed. Inmate Gavin refused to put his hand out. Sgt. Malone told Officer Bothwell to spray inmate Gavin with Freeze -P, a chemical agent. Officer Sothwell attempted to spray inmate Gavin with freeze -P but instrate Gavin was standing at the back of the cell wrapped up in his sheets and blanket. Officer Buthwell Informed Sgt. Malone that the Freeze -P didn't effect inmate Gavin because of the sheets and blankers wrapped around his head. Officer Bothwell stepped to the side of the tray door and closed it. Sgt. Makine told Sgt. Sanderson to use the shield. Sgt. Sanderson, Sgt. Howard, Officers Mickens. Martin, Bothwell and Chapman lined up ready to extract immate Gavin. Sgt. Malone gave Andrew Shorter, COL subicle operator. the order to open cell A-07. Officer Shorter opened the door, Inmate Gavin charged the door and had to be placed on the floor and restrained. At approx. 4:25PM, Officers Bothwell, Mickens, Chapman, Martin, Sys. Howard, Sanderson and Malone escorted inmate Gavin to the infirmary. At approx, 4:40PM, Sat Malone told Officers Bothwell and Martin to strip intraste Gavin's cell. Inmate Gavin's cell was stripped and secured by Officers Bothwell and Martin.

Cedric Sothwell, COI

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St. Chair Corr. Pac.	 Instance of the content of the content
Tate: 1/2/2000	Type of inclination. Failure to observing ATAS OF FORCE
intere en una contra como entre a contrato con comunica a unacionar en conjuntar en actual en antecesa de la con- Nometta el Romandon de Castánica de Papa Nos. S	Кот (в 1963) в инфертива Скул Бентинува и война из войну дер в интид Тит пурвил про поворя и при видов, в из видонован, в дв

STATEMENT

On 1/2 2000 at approx. 4:18PM, Gary Malone, COH, advised me, Frank Mickens, COL to report to the segregation shift office to take part in a cell extraction of inmate Kevin Gavin, 3 OSN843, in 161 A 67, As I entered the office an extraction team was formed consisting of Cedric Bothwell, COL, who had Freeze appepper spray, John Sanderson, COII, who was assigned as shield man, Bryan Chapman, COI, who was in charge of restraining the hands, Samuel Howard, COII, who was support, Thomas Manin, COI, who was support, and Gary Malone, COII, was supervising the extraction. I was in charge of astraining the legs. At approx. 4 25PM, the extraction team entered HIA. Sgt. Malone gave inmate Garvin an eral chances to place his bands out of the tray door to be handcuffed. Insnate Garvin refused. Sgt. Malo te gave Officer Bothwell the order to spray immate Gavin with freeze +P. Immate Garvin then went to the back of his cell and placed a Slanket over his head. Officer Bothwell sprayed inmate Gavin but the spray had no affect on him. At that time Sgt. Malone gave the cubicle operator, Andrew Shorter, COI, the order to open impore Garvin's call. Immate Garvin tried to charge out of the cell. The extraction team entered the cell and place-d land is Garvin on the floor, restraining him. At approx. 4.50PM, benate Garvin was escorted to the influency by Officers Bothwell, Mickens, Martin, Chapman, Sgts. Howard, Sanderson and Malone. Nurse Pergy Engle Evenipted to treat inmate Garvin. First be refused to be treated but later agreed to let Nurse Engle than New Roe F-15 arrached. At approx. 5:03PM, inmate Garvin was released from the infirmary and escorbed to his blick. He was given a shower and placed in his cell under stripped cell status.

Frank Wickens COI

DATE: 1-8-00 TIME: 4/22 PM INCIDENTA	
LOCATION: HIR 454407	And the second control of the second control
MARKETI KELTH GROW AIN OSK 843 BACE	
RILEVIOLATIONS Silve to Clay a direct order	4-0-
TYPE OF FORCE (SED: () CHEMICAL WEAPON () IMPACT W	KOSAB
IF CHEMICAL, EFFECT: () IMMOSILIZED INMATE () NO EFF	The second secon
INMATE PERMITTED TO WASH AFTER CHEMICALUSE: () YES	
HOSPITAL: NA DOCTOR: NA	
INITRY TO OFFICER: N/A	 ,,
OFFICER USING CHEMICAL AGENT:	enga ng manasang ang ang ang ang ang ang ang ang ang
NIMINARY OF INCIDENT: Sent be sent fined to pro-	ent his de Dendalter Dendalter
J. J. B. J. J. 2-00 REFRIGOR'S APPROVAL DATE	a igunyaka si masan ini kasila maban

PSYCHOLOGICAL UPDATE

Name: GAVIN, KEITH AIS#. 2-665 R/S: B Date: 041 6,02 Date of Birth: 3 130160 Age:
Inmate GAVIN was last evaluated by ADOC psychology staff member on / / A diagnosis of was made and the inmate was recommended for participation in
The following observations and recommendations are made as a result of the current interview: I. Educational Needsa. ABEb. Special Educationc. Trade Schoold. Junior College II. Mental Health Needs
A. Refer to psychiatrist B. Substance abuse counseling C. Depression D. Stress management Date referred to psychiatrist E. Sexual adjustment J. Self-concept enhancement J. Healthy use of feisure K. Personal development H. Values clarification Date referred to psychiatrist // III. RECOMMENDATIONS/REMARKS:
to halve of male health treatment
MENTAL HEALTH CODE: SMI HARM HIST NONE Evaluation Completed by: Repair (hollroat (1c Date: 4/19/02

N-259 A (2/2001) White to Central Records

Yellow to Institutional File Pink to Data Entry and forwarding to Medical Record ORM 225-B

Case 4:16-cv-00273-KOB Document 35-39 Filed 11/07/16 Page 47 of 101 ABAMA DEPARTMENT OF CORRECT S DISCIPLINARY REPORT

	INMATE Gavin Keith Edmund CUSTODY MAX AIS NO. B/M Z665
•	LAST FIRST MIDDLE DISCIPLINARY # HP02-165
	Factivev. Holman Correctional Facility
. ,	The above named inmate is being charged by Jimmy Kilcrease, COI
	with a violation of Rule # 33 specifically rightly reflect in any first
	from regulation # 403 which occurred on or about
	February 26,2002 at (time) 8:10 (am/xx), Location: A hearing on this
	charge will be held after 24 hours from service.
	Circumstances of the violation(s) are as follows: You, inmate Keith Gavin,
i .	B/Z665, were fighting without a weapon with inmate Dominique Ray, B/Z663,
	on the death row walk yard.
	1. 1. 0.
5.	Date: 02-28-2002 di-Kilcrose COI
	Arresting: Officer's Signature/Rank
б.	I hereby certify that I have personally served a copy of the foregoing upon the
	above named inmate and I informed inmate of his/her right to present written or oral statement at the hearing and to present written questions for the witnesses
	on this the 28 to day of FERRUARY, 2007 at (time) 1158 (am) pm).
	on this the 13 day of franksist
7.	Have Bryan, COI Kuth, Ga = 2.603
. •	How Bryan COT Kuti Gain 2.665 Serving Officer's Signature/Rank Inmate's Signature/AIS Number
	week V Sa faci
8.	Witnesses desired? NO YES (177) (777) Tomates Signature Inmates Signature
9.	, Inmates Signature Inmates Signature If yes, list <u>OFFにどれ HowARD</u>
	Place of to 4 AVAL DE A.
10	Hearing Date 03/05/00 Time 1300 Place A MAR Day Inmate must be present in Hearing Room. If he/she is not present explain in
	details an additional page and attach.
10	2. A finding is made that inmate (s) is anot capable of representing himself.
1.4	C. A limiting 15 made of the state of the st
	1300 10/180
	Hearing Officer's Signature
	Not Guilty (As A S) Guilty.
13	7 Plane
14	4. The Arresting Officer, inmate and all witnesses were sworn to tell the
	truth. Brand Files
	The Artifactor of the Artifact
11	Hearing Officer's Signature 5. Arresting Officer's Testimony (at hearing): On the date and time in question 5. Arresting Officer's Testimony (at hearing): Observed inmates Keith Gavin and
-4.	while on the exercise varu area or death low, I dood!
21	Dominique Ray, B/Z663, fighting without a weapon.
	Cuilty posts
1	6. Inmates Testimony: Guilty, no statement.





DOC Form 225B (Revised 7/92)

ALABAMA DEPARTMENT OF CORRECTIONS HP01-0189 DISCIPLINARY REPORT

	NMATE: Keith E. Gavin B/M CUSTODY Maximum Als 2665
i.	NMAIE: Reith L. Oxyan
Ī	FACILITY: Holman Correctional Facility
	from regulation # 403, which occurred on or about March 5, 2001 , XX at (time) 11:55 (amXXn), Location: Death Row Law Library
	11:55 (amXXn), Location: Death Row Law Barrier
	A hearing on this charge will be held after 24 hours from service. Circumstances of the violation(s) are as follows: You were fighting with inmate Circumstances of the violation(s) are as follows: You were fighting with inmate
	Alonzo Burgess, B/2339 in the Double
	#35 Major
	Jana 1 1. Com that Extended
	Arresting Officer/Signature/Rank
	I hereby certify that I have personally served a copy of the foregoing upon the above named impate on this the
	day of much, if at (time) 12 to
	and fort 6 x forth Ga
	Land fruit 6 Inmate's Signature/AIS Number
	Serving Officer/Signature/Rank Inmate's Signature/AIS Number YES Y With GO TO 16
	WINGSSS RESURED. LAND TO THE STATE OF THE ST
	Inmate's Signature
	1) once Painter to G Pay, Do mich 4 111 landy Bell
	If yes, list: Ussac Party to 1 fay, Domicag 121, Party Bell
r	
Ţ	The state of the state of the state of the state of additional add
2	. Inmate must be present in Hearing Room. Since a superior of representing himself. A finding is made that immate (is / is not) capable of representing himself.
	Daly Till
	Signatury Hearing Officer Guilty
	Not Guilty Not Guilty Not Guilty The Arresting Officer, inmate, and all witnesses were sworn to tell the just.
	1. The Arresting Officer, inmate, and all witnesses were sworn to tell the puth.
	o March 5 T was passing by the Law like
į	5. Arresting Officer's testimony (at the hearing): Un march J. Two popular toward inmate and heard a noise. I observed inmate Alonzo Burgess walking toward inmate and heard a noise. I observed inmate Alonzo Burgess walking toward inmate
	T got accistance from other differs, we
	and escorted inmate Keith Gavin and Alonzo Burgess out.
	aru cocos cos començarios de la començario de la començar

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(BB) April 10 G Documen 3) yes I did ABB There you contact usus made by both unale Saun and Burgers ? (Al- (YES). JBB were both enmates being Sold by other unates in the artraig (A) only Buryess. OBAI New then any marker Bruses scrutches any Signer of Blood Ect.?

(A) only Burgoss: NO).

STATE OF ALABAMA,

IN THE CIRCUIT COURT FOR

PLAINTIFF

VS.

CHEROKEE COUNTY, ALABAMA

KEITH EDMUND GAVIN

DEFENDANT

CASE NO: CC-98-61 and CC-98-62

AUG 7

ORDER

TAS

MOVEC

The Defendant's MOTION FOR NEW TRIAL was set for hearing on May 30, 2000, at which time the Defendant and his attorneys appeared and argued some of the issues raised in said Motion. The Defendant's attorneys have requested leave to file an additional or supplemental brief, and in consideration of the scheduling needs of this Court it is,

ORDERED, ADJUDGED AND DECREED as follows:

- 1. On or before June 30, 2000, the State shall file a brief in response to the Defendant's brief and argument presented on May 30, 2000.
- 2. On or before June 30, 2000, the Defendant shall file any additional or supplemental briefs in support of the MOTION FOR NEW TRIAL.
- 3. The Defendant and State shall file any further responses on or before July 24, 2000.

The Defendant's MOTION FOR NEW TRIAL shall come for further hearing on Friday, August 4, 2000, at 9:00 a.m. The Defendant has consented for said hearing to be conducted at the third floor courtroom of the DeKalb County Courthouse, in Fort Payne, Alabama. At the hearing hereby scheduled the Sheriff of Cherokee County, for

ORDER CC-98-61 and CC-98-62 CHEROKEE COUNTY PAGE 2

providing security and transportation, and same shall be coordinated by and with the Sheriff of DeKalb County, Alabama.

The deadline of September 1, 2000, for the Court's ruling on the Defendant's MOTION FOR NEW TRIAL, remains unchanged, and if no ruling is issued on or before that date said Motion shall be deemed denied by operation of law thereafter.

Attorney for:

State of Alabama

Keith Edmund Gavin

Done this ____ day of June, 2000.

DAVID A. RAINS, CIRCUIT JUDGE

Copies to:

Mr. Michael E. O'Dell

Mr. Robert F. Johnston

Mr. Stephen P. Bussman

Mr. Steven G. Noles

Hon. Cecil Reed, Sheriff, DeKalb County

Hon. Roy Wynn, Sheriff, Cherokee County

Officer Richard Woods Security, Cherokee County

Officer Stanley Hollingsworth Security, DeKalb County

Mr. Cecil Atchison,
Transfer Agent
Alabama Department of Corrections

GAVIN.8

ALMEANA DEPARTMENT DO TRACOTINAS 38715 INSCRESSINGARY OF A 229/2000

SODE: CASDA

S: DEROSADS - INMEDIA DAVIA KILIN EDAVAD INSTITUTION: DOT - HARSIDATE JAIL CREATE KOSO 18: 03/30/1950 | 359: T L-30-719: CACMES . EDMONS ALBASA GAVI Lar ALEAS: POSERS, KEITH ALIASI THE TEN OF ATTRACTORS DEED TIMES and the gar was an arrival ADS TYPE ್ಕ ಗಾಧಕರ್ಯ ಹದ್ಮಾ JRRERT CUST: MON-F CURRENT CUST: OT: 01/05: T DINGSTR BARRON CACOLL GAEGES NO STREET SET IN TILES OF THE CACOLLA ALIANDER SERVING UNDER ACTAGE LAW IN CURRENT CLASS CATE: 01/08/2600 INMATERIS PARMING : JUNTY. SENT OF CASE WE CRIME TERM JL * CR CHEROKEEL DIVEBAGE 498000051 MURDER 30700 020Y 00M 000 08 27 11 COURT COSTS : 10000574 FINES: topocopo RESTITUTION : \$3000056 CHEROKEE DIVERSION CERTANDIAN SECOCOSCION MURDER 05700 LIFE (S COURT COSTS : #30000566 FIVES : \$0000000 RESTITUTION : 100000050 FOTALI TERM MIN RELIBE GOOD FINE BALL LONG DATE . 1156 09/30/0300 CCC MCC YCCC 1:7 = 5 LAMATI LHTERALD ALSO SERVIVS 12553 FTAINER MARRANTS STHEARY INMATE DURRENTLY HAS NO DETAINER-WARRANT RECORDS ESCAPSE-PARILE SUMMARY IMMATE SURRENTLY HAS AD PARDLE RESORDS A INMATE CURRENTLY HAS NO PROBATION 754 RECORDS .C.C. AMARRALA NOST REPACES ON RAB STAPMI

DISCLPLINARY/CITATION SINGLEY

SINCE G.C.C.I.S. RECORDING BEGAN IN 1978

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ALABAMA DEPARTMENT OF CORRECTIONS IVMATE SIMMARY AS DE DZVERZOGO

1008: 08894

"S: ODZOBEDS INMATE: GAVIN, KEITH EDMIND

PACE # 6 SEX# 8

个型路车者在准备的工作,在现在中央企业的企业企业的工作,不是现在的工作,不是现在的工作,不是不是企业的工作的工作,并不是企业的工作的工作。

PISCIPLINARY/CITATION SUMMARY
INMATE CUPRENTLY HAS NO DISCIPLINARY/CITATION RECORDS



ALABAMA BOARD OF PARDONS AND PAROLES

REPORT OF INVESTIGATION

Type of Investigation Pre-Sentence	Date Dictated 11-22-99
Name KEITH EDMUND GAVIN	True name Edmund Keith Gavin
Alias Edmond Gavin, Keith Rogers	
RSA <u>B/M</u> DOB <u>3-30-60</u>	Height and Weight 5'8" 145 lbs.
Complexion Medium Color of	
Bodily Marks None noted.	
Driver's License #	SSN <u>343-54-7191</u>
AIS# 308409 FBI# 584560R8	SID# ·
Address 1140 North Lockwood	
Chicago, Illinois	•
County Cherokee	Case # CC-98-061 & CC-98-062
Offense(s) Capital Murder and Attempted Murder	
Sentence(s) Death/Life	
Date of Sentence 1-5-2000	Date Sentence Began 1-5-2000
Date of Arrest 3-6-98 Date of Bond	
Judge David Rains I	DA Michael O'Dell
Attorney Bayne Smith & John Ufford	D. C.
Court Ordered Restitution \$ None	
Barred From Parole Yes XX	No
Date Copies Sent to Central Records 1-6-2000	4
NOTES:	

PRESENT OFFENSE(S)

County, Court, and Case Number:

Cherokee County Circuit Court, Case No. CC-98-061

Offense:

Capital Murder (two counts: Count 1, Murder During the Commission of Robbery; and Count 2, Murder After Previous Murder Conviction within 20 Years.

Sentence:

Death

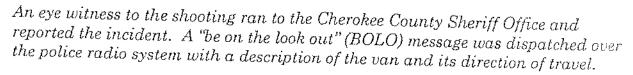
Date of Sentence:

1-5-2000

<u>Details of Offense:</u>

Keith Edmund Gavin was arrested March 6, 1998, and charged with Murder During the Commission of Robbery. On April 13, 1998, the April 1998 Term of the Cherokee County Grand Jury returned a two count Indictment: Count one, Murder During Robbery; Count two, Murder After Previous Murder Conviction within 20 Years. Gavin was arraigned on the charges on April 23, 1998, at which time he entered a plea of not guilty. Gavin was set for trial on May 11, 1998, and continued from time to time until November 1, 1999. The trial process began on November 1, 1999, and on November 6, 1999, the Jury returned a verdict of Guilty to both counts. On November 8, 1999, the sentencing phase of the trial began and the Jury returned a sentencing recommendation of Death on a 10 to 2 vote on the same day, November 8, 1999. A sentencing date is set for December 6, 1999, in the Cherokee County Courtroom.

During the early evening hours on March 6, 1998, DeWayne Meeks and his passenger, Keith Edmund Gavin, pulled in behind a van parked at the corner of River street and immediately adjacent to Regions Bank. Gavin got out of the Meeks vehicle with a 40 calibre semi-automatic Glock pistol, owned by Dewayne Meeks, and went to the driver's side of the van driven by Mr. Clinton William Clayton. Witnesses saw Gavin open the driver's door, shoot Mr. Clayton, push Mr. Clayton over and get into the van with Clayton and drive away heading south on Main Street toward Leesburg.



Mr. Danny Smith, District Attorney Investigator, was traveling along Alabama Highway 68 towards Leesburg from Collinsville when he intercepted the Van driven by Gavin. Smith turned around and pursued Gavin with his "blue lights" activated until Gavin stopped on the highway. Gavin came out of the Van and shot the same 40 calibre Glock semi-automatic pistol, used at Regions Bank shooting, twice toward Danny Smith. Gavin ran into a wooded area immediately north of his vehicle.

Danny Smith first went to the abandoned Van and found a white male, later identified as Mr. Clinton William Clayton, bleeding profusely from gun shot wounds lying slumped partially between the driver seat and the passenger seat. Smith summoned paramedic assistance and stayed with Mr. Clayton until the arrival of an ambulance.

Mr. Clayton was transported to Cherokee Baptist Medical Center where he was pronounced dead on arrival.

A search party of area law enforcement officers convened at the wooded area along Alabama Highway 68 where Gavin had entered after shooting at Danny Smith. After approximately three hours, Gavin was found hiding in a small creek that traversed the area. Gavin was arrested and carried to the Cherokee County Jail where he remained until the November 1, 1999, trial.

On March 13, 1999, the 40 Calibre Glock semi-automatic pistol was found in the wooded area where Gavin was captured on March 6, 1999. The serial number of the pistol, CCN49US, was the same as the pistol Dewayne Meeks reported taken by Gavin from his automobile.

Forensic report dated March 13, 1998, from the Alabama Department of Forensic Science revealed that Mr. Clinton William Clayton had died from a gunshot wound to the chest.

Forensic analysis of two spent shell casings found at the site of the shooting, of Mr. Clayton and one spent casing found on highway 68 were fired from the same 40 calibre Glock semi-automatic pistol.

Serious Physical Injury Barring Parole:

Yes

Subject's Statement:

Keith Edmund Gavin declined to an interview with the Probation Officer on November 9, 1999.

Case Status of Co-Defendants:

None.

Location of Offense:

This offense took place on River Street, Centre, Alabama at a location adjacent to Regions Bank and across from the east end of the Cherokee County Courthouse.

Court Ordered Restitution:

None.

PRESENT OFFENSE(S)

County, Court, and Case Number:

Cherokee County Circuit Court, Case No. CC-98-062

Offense:

Attempted Murder

Sentence:

Life, consecutive to CC-98-061

Date of Sentence:

1-5-2000

Details of Offense:

Keith Edmund Gavin was arrested March 6, 1998, and charged with Attempted Murder. On April 13, 1998, the April 1998 Term of the Cherokee County Grand Jury returned an Indictment charging Gavin with Attempted Murder. Gavin was arraigned on the charges on April 23, 1998, at which time he entered a plea of not guilty. Gavin was set for trial on May 11, 1998, and continued from time to time until November 1, 1999. The trial process began on November 1, 1999, and on

November 6, 1999, the Jury returned a verdict of Guilty to the charge. A sentencing date is set for December 6, 1999.

During the early evening hours on March 6, 1998, District Attorney Investigator Danny Smith heard a "be on the look out" (BOLO) transmission over his police two-way radio from the Cherokee County Central Dispatch. The BOLO reported the shooting, subject of CC-98-061 of this report, and determined that the assailant was heading toward his immediate position on Alabama Highway 68. Smith observed the Van driven by Keith Edmund Gavin heading from the direction of Leesburg toward Collinsville. Smith turned his automobile around and pursued Gavin with his "blue lights" activated until Gavin stopped on the highway. Gavin came out of the Van he was driving and immediately fired a shot at Danny Smith and then ran to the passenger side of the Van and fired a second shot at Smith. Gavin then ran into an adjacent wooded area just north of the vehicle.

A search party was formed of area law enforcement personnel and Gavin was captured approximately three hours later. Gavin was found in a small creek that traversed the wooded area.

A spent shell casing was found on Alabama Highway 68 on the passenger side of the aforementioned Van. Ballistic analysis of the spent casing by the Alabama Department of Forensic Science determined that it was fired from the same gun used in Centre in the Murder of Mr. Clinton William Clayton, a 40 calibre Glock semi-automatic pistol that was owned by Dewayne Meeks.

The pistol was found later in the wooded area, in leaves, on the path that Gavin used when he attempted to evade capture.

Serious Physical Injury Barring Parole:

Yes

Subject's Statement:

Keith Edmund Gavin declined to an interview with the Probation Officer on November 9, 1999.

Case Status of Co-Defendants:

None.

Victim Notification Information:

Danny Smith

Victim Impact:

Mr. Smith was not injured.

Location of Offense:

This offense took place on Alabama Highway 68 near the Sand Rock Community.

Court Ordered Restitution:

None.

RECORD OF ARREST(S)

Prior Arrest Record:

\underline{DATE}	\underline{AGENCY}	$\underline{CHARGES}$	$\underline{DISPOSITION}$
5-11-77	Chicago, IL PD	Murder	Discharged
4-10-77	Chicago, IL PD	Theft	Disposition not given
10-27-77	Chicago, IL PD	Battery	Dismissed
9-29-79	Chicago, IL PD	Burglary	10-25-79 sentence 2 yrs. Prob.
10-4-79	Chicago, IL PD	Burglary	Dismissed
1-19-80	Chicago, IL PD	Aggravated Battery	Disposition not given
3-28-81	Chicago, IL PD	Murder	7-8-82 sent. 34 yrs. Paroled 12-28-97

<u>Subsequent Arrest Record:</u>

DATE

AGENCY

CHARGES

DISPOSITION

None.

PERSONAL / SOCIAL HISTORY

Subject:

Keith Edmund Gavin is a thirty-nine year old black male born March 30, 1960, as the third oldest of twelve children to Willie and Annette Matthews Gavin in Chicago, Illinois. Gavin has always lived in Chicago, Illinois. His mother reported that he had a good childhood.

Marital Status / History:

Gavin has never been married and has not fathered any children.

Health:

During his adolescent years, Gavin suffered from a kidney ailment that required hospitalization. Gavin was required to follow a strict diet for several years. He was attacked while in Prison in Illinois and sustained serious injuries. During incarceration in the Cherokee Jail. Gavin complained of chest pains on November 15, 1998, and was transported by ambulance to the Baptist Medical Centre-Cherokee, Centre and test results were negative. At a later date Gavin developed a skin rash that required treatment at a local doctor's office. At the present time Gavin appears fit and healthy.

Education:

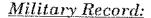
Gavin dropped out of Crane High School during his sophomore year. He had problems at the school with drugs. His mother reported that he attended College at the age of eighteen, but didn't stay very long.

Financial Status:

None.

Employment History:

Gavin worked in a security job for a short period of time (his mother could not remember name and dates). Gavin had several part-time jobs of short duration.



None.

Offender's Family:

<u>Father:</u> Willie Gavin, deceased 1989

<u>Mother:</u> Annette Matthews Gavin, age 62, resides at 1140 North Lockwood, Chicago, Illinois. She is on disability retirement from part-time employment with the U.S. Postal Service.

Siblings: Willie Gavin, Jr., deceased 1996; Elaine Gavin, age 41, resides in Chicago; Victor Gavin, age 38, resides in a Chicago suburb and is employed in a photo shop; Steven Gavin, age 37, resides in a Chicago suburb and is unemployed; Sterling Gavin, age 35, resides in a Chicago suburb and is employed in day labor; Adriane Gavin Brooks, age 32, resides in a Chicago suburb and is attending nursing school; Sharon Gavin, age 30, resides in Chicago and is unemployed; Nichole Gavin, age 24, resides in Chicago and is employed with Brookfield 200, Chicago; Latrice Gavin, age 22, resides in Chicago and is unemployed; Ezra Gavin, age 21, resides in Quincy, Illinois and is employed with a college; Geanetta Gavin Clark, age 19, resides in Chicago and is a housewife.

<u>Note:</u> The only sibling reported to have any history of criminal activity was Steven and it was as a juvenile.

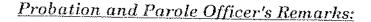
EVALUATION OF OFFENDER

<u>Psychological Reports:</u>

Gavin was administered a psychological evaluation on March 18, 1993, by the Mental Health Clinical Service, Illinois River Correctional Center. Doctor Iwashita, Clinical Psychologist, reported that Gavin was not experiencing any psychological problems at that time.

Reputation and Community Activities:

Gavin was visited regularly at the Cherokee County Jail by Minister S. J. Johnson of Jehovah's Witness Church. He expressed a strong belief that Gavin was sincere in his belief of God.



The Personal/Social History section of this report was compiled from an interview of Ms. Annette Gavin, Keith Edmund Gavin's mother, jail records and the testimony of Minister S. J. Johnson. Keith Edmund Gavin declined to interview with me.

Ms. Gavin offered two letters she received from her son over the past twenty months for review. One would deduct from the form and text of the letters that Gavin is intelligent and articulate.

Signed and dated at Centre, Alabama this the 29th day of November, 1999.

Whitt L. Latham

State Probation & Parole Officer III

WLL/vm

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PH TYP: DOWN R W

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Case 4:16-cv-00273-KOB Document 35-39 Filed 11/07/16 Page 64 of 101

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Trudie,

Please Match TOGETHER #Z665

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on Gavin, Keith Edmund

THANKS,

LOUISE

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ALABAMA JUDICIAL DATA CENTER CHEROKEE COUNTY TRANSCRIPT OF RECORD CONVICTION REPORT

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STATE OF ALABAMA VS. GAVIN KEITH EDMUND ALIAS: C/O CHEROKEE COUNTY JAIL ALIAS: 110 CEDAR BLUFF ROAD CENTRE AL 35960	DC NO: 0000 000000.00 6 J: 200002 98N: 343547191 SID: 00000000 AIS:
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ALABAMA JUDICIAL DATA CENTER CHEROKEE COUNTY TRANSCRIPT OF RECORD CONVICTION REPORT

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Case 4:16-cv-00273-KOB Document 35-39 Filed 11/07/16 Page 69 of 101

STATE OF ALABAMA BOARD OF CORRECTIONS

N601 D of C

INSTITUTIONAL INCIDENT REPORT

1. Institution:	2. Date:	3. Time:	4. Incident Number				
Holman C. F.	February 26, 2002	8:10 AM HP02-165					
5. Location Where Incident Occurre	d:	6. Type of Incident:					
Death Row Exercise Yard Fighting Without a Weapon							
7. Time Incident Reported:		8. Who Received Report:					
8:10 AM		Lt. David Craft					
9. Victim: a.		Commence of the Commence of th	No.				
b.	n' - 1		No				
10. Suspects: a. No.							
a 10. Supports.	. 11. WE		No.				
		b.	No.				
² Dominique Ray	B/M No. Z663	с.	No.				
b. Keith Gavin	B/M No. Z665	d	No.				
÷.	No.	8.	No.				
d.	No.	f.	No.				
e.	No.	♂					
	William The Control of the Control o	8-	No				
Physical Evidence:							
12. Type of Evidence: N/A							
13. Description of Evidence N/	<u> </u>		NOSCI I OCCUMENTO CONTRACTO CONTRACTORIS CON				
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14. Chain of Evidence:			TTT I IT STORE AND THE STORE IN THE STORE				
a. N/A							
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Narrative Summary: On February	26, 2002, at approximately 8	:10 AM, Inmates Dominiq	ue Ray, B/Z663, and Keith				
Gavin, B/Z665, were fighting	ig on the death row walk yard.	At first it appeared that the	ie two inmates might have				
been playing. Officer Kilcrease told both inmates to stop fighting and to come over where he was standing. Both							
inmates stopped and came over to Officer Jimmy Kilcrease. Officer Kilcrease began to question both immates to							
see what was going on. Officer Kilcrease positioned himself between the two inmates as he was questioning							
them. Both inmates attempted to fight again and had to be restrained until other officers arrived to help escort							
both inmates back to their cells. Lt. Craft questioned both inmates. Officer Mike Austin escorted Inmate							
Dominique Ray, B/Z663, to the unit hospital. Inmate Keith Gavin B/Z665, refused to go to the unit hospital.							
Inmates Dominique Ray and Keith Gavin will receive disciplinary action for fighting without a weapon.							
- Kilcuose Cut Jimmy Kilcrease, COI (cont.)							
	Wilking Kanadisenculan kanglustrang dalah dinangkangkangkangkangan dalah dinangkan kanglas kanglas kanglas kan						

DISTRIBUTION:

ORIGINAL Investigation and Inspection Division COPY to Deputy Commissioner, Institutions COPY to Institutional File COPY to Central Records File



N 602						
CONTINUA	ATION SHEET					
Incident Number: HP02-165						
-	Type of Incident: Fighting without a wearer					
Date:February 26, 2002						
Narrative Summary (Continued) Page No.						
COI Jimmy Kilcrease continued statement:						
It was determined that the inmates had words the night before. It was determined that the inmates had words the night before they were released out of their cell for the walk, and the production of the walk was a subject to the walk of the walk o						
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LARRY J. WILSON

Phone - 256-927-3365 Fax - 256-927-4543

SHERIFF · CHEROKEE COUNTY



December 7, 2005

Dear Mr. Roberts:

The enclosed are copies of arrest reports on Keith Edmund Gavin and the I/O report, as well as the theft report actually taken at County Club Hills Police Department (IL) by Dwayne Meeks on the stolen gun and our (Cherokee County Sheriff's Department) recovery report on the stolen gun.

If you should have any questions, please feel free to contact me at (256) 927-3365.

Thank you,

Joredith Y. Johnson

Chief Clerk

- we read the management of the contract of th

Case 4:16-cv-00273-KOB Document 35-39 Filed 11/07/16 Page 72 of 101

ALABAMA UNIFORM ARREST REPONT

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<u></u>		ess adoness (Street, City, State, Zip)	·	37 BUSINESS PHONE			
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ALABAMA UNIFORM INCIDENT/OFFENSE

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Case 4:16-cv-00273-KOB Document 35-39 Filed 11/07/16 Page 76 of 101

MAR. 25. 1998 3:12PM

WHILLS POLICE

NG. 1040 P. 2

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C C HILLS POLICE

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### Case 4:16-cv-00273-KOB Document 35-39 Filed 11/07/16 Page 78 of 101

Case/Supplemental Report & Country Club Hills Police Department & Country Club Hills, IL 60478-4698

MAR, 25, 1998 3:12PM

Was HILLS POLICE



NO. 1040 F.

Case/Supplemental Report >	Country Club Hills Police Department	Country Club Hills, IL 60478-4698
Date 03 07 98	Offense STOLEN Propary	RD# 98-3278
Time 0845	Name S/R/DOB	Page# 2 of 2
☐ Case Report☐ Supplemental Report 등	Address Phone	Officer #
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## ALAL..MA UNIFORM INCIDENT/OFFENSL..EPORT

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STATE OF ALABAMA

I, <u>Jacqueline Johnson</u>, hereby certify and affirm that I am a <u>Medical Records Clerk</u> at <u>Holman Health Care Unit</u>; that I am one of the custodians of inmate medical records at this institution; that the attached documents are true, exact, and correct photocopies of certain documents maintained here in the institutional medical file of one, <u>Gavin, Keith AIS NO. Z-665</u>; and that I am over the age of twenty-one years and am competent to testify to the aforesaid documents and matters stated therein.

I further certify and affirm that said documents are maintained in the usual and ordinary course of business at the Holman Health Care Unit; and that said documents (and the entries therein) were made at, or reasonably near, the time that by, or from information transmitted by, a person with knowledge of such acts, events, and transactions referred to therein are said to have occurred.

This, I do hereby certify and affirm to on this the 16th day of November , 2005.

SWORN TO AND SUBSCRIBED before me this the 16 day of November , 2005.

NOTARY PUBLIC

SEAL:

My Commission Expires 7/11/08



# PRISON HEALTH SERVICES, INC. SICK CALL REQUEST 70

Nature of problem or request:	of Birth: Location: 8-LL-4 icing About the REscheduling
400 MAde DACK IN Detabel of	= 2004 FOR ACHO MERNINA NOW - I
I have to be sering une soul	AN APPOINTMENT FOR LECTO CLERKING CONCERNING THIS MIGHTER THONK YOU
	Keath Garingon
:	Signature
DO NOT WRITE	E BELOW THIS LINE
Date: 3/31/05	<u> </u>
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·	Receiving Nurse Intials
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WHITE: INMATES MEDICAL FILE

YELLOW: INMATE RETAINS COPY AFTER NURSE INITIALS RECEIPT

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8/18/03	CYCE	
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NC-006

NURSES NOTES



Case 4:16-cv-00273-KOB Document 35-39 Filed 11/07/16 Page 84 of 101
Inmate Name Beith Gavin Pare of Property & 1/1 07
AIS No. Z-665. Date of Birth 3-30-60 Housing Loc. 3-4-5
Nature of problem or request HAVING LEFT-side chest paints, short of breath;
BASH ON BACK, NEED KNEW EYE GLASSES BECAUSE OF THE WBONG BIND
POWER AND SHAVING BRUSE OF AN Allergic REACTION TOWNERS SHAVING
powder and shaving BAVORS, I have sensitive skin. Also need to see the doctor.
January, - Need to see that doctox.
Sign here for consent to be treated by health staff for the condition described above. Kuth Games
Place this slip in Medical Box or designated area
DO NOT WRITE BELOW THE
DO NOT WRITE BELOW THIS RECEIVED AND 1 & 2003
Haalth Comp
Subjective al'we been having chest pains in my rest side and coupling and shortness of breath " Il think the doctor helds to k Ray me "my excloses are hurtine your revenue of the control
and shorters of bleath, il think the doctor helds to & Ray onty
"my explasses are hurting my curs & my cheat & chink the type doctor needs to see me to give me new glasses,"
1321 The top words to see me to give ne new glasses,
Objective: BP 88 P 74
A + 0 ×3 amb to HCU = Steady erect wait; 5Kin W+ D to touch from pain when diging down + ino activities; also wants substantial Usland Rach on Back; hight coloned spots covering Back; saip he's ward left Chart Blue before but did not work) of hight promental discoloration Assessment; also wanted and region of Razer to powder and Requests
horting a Oupper Ribo discribed as share our skin w+ D to touch
for Rash on Back styles down & in activities; also wants
Islam Blue before but did not work) of hight Back; say he's had
Assessment: So Cleye 20 - leye Reperval den States allamation
Plan: alt in comfort Razer + powder and Requests
Jacket to MD States has had same glasses you 3/240.
Refer to: PAT Physician Mental Houleh (See ander)
Education: Mental Health Dental Dental
Quin the plenty of Pluido Her rough + chist
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Protocol used: (Specify) NIA
Signature X X X X
Title John Time 2305 Date 8/14/13

### HEALTH SERVICES REQUEST FORM HOLMAN

Print Name: Kerth Gravist Date of Request: 1/-/-0/
D#
Nature of problem or The Continue of Problem or
the left side of
the left side of my head. I would like very
much to SEE A clostor FOR this problem
Sign here for consent to be treated by health staff for the condition described
manufacture committee described
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DO NOT WRITE BY ON THE AREA
人工工业 19 10.10 10 10 10 10 10 10 10 10 10 10 10 10 1
HEALTH CARE DOCUMENTATION
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Objective: HP/LN90 P ST P 20 - 97.51
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Refer to: DA Promision
(Last) Colombia C.
Simon
Date: 1140 Time: 2330
NCO40.
HEALTH SERVICES REQUEST FORM

#### NAPHCARE HEALTH SERVICES REQUEST FORM

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Print Name: KENTh GRAVIN Date of Request: 18-14-01	
1D#: Date of Birth: 3-30-60 Housing Localine 5/12	
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HEALTH CARE DOCUMENTATION	
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Mental Health Dental	
4) to money on Book - Refer to My	
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NCO40 HEALTH SERVICES REQUEST FORM (See Onles)	
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Mental Health

Refer to: PA/Physician

Nurse's Signature

Case 4:16-cv-00273-KOB Document 35-39 Filed 11/07/16 Page 89 of 101

EDICATION

.DMINISTRATION RECORD

■ (flaphfare)

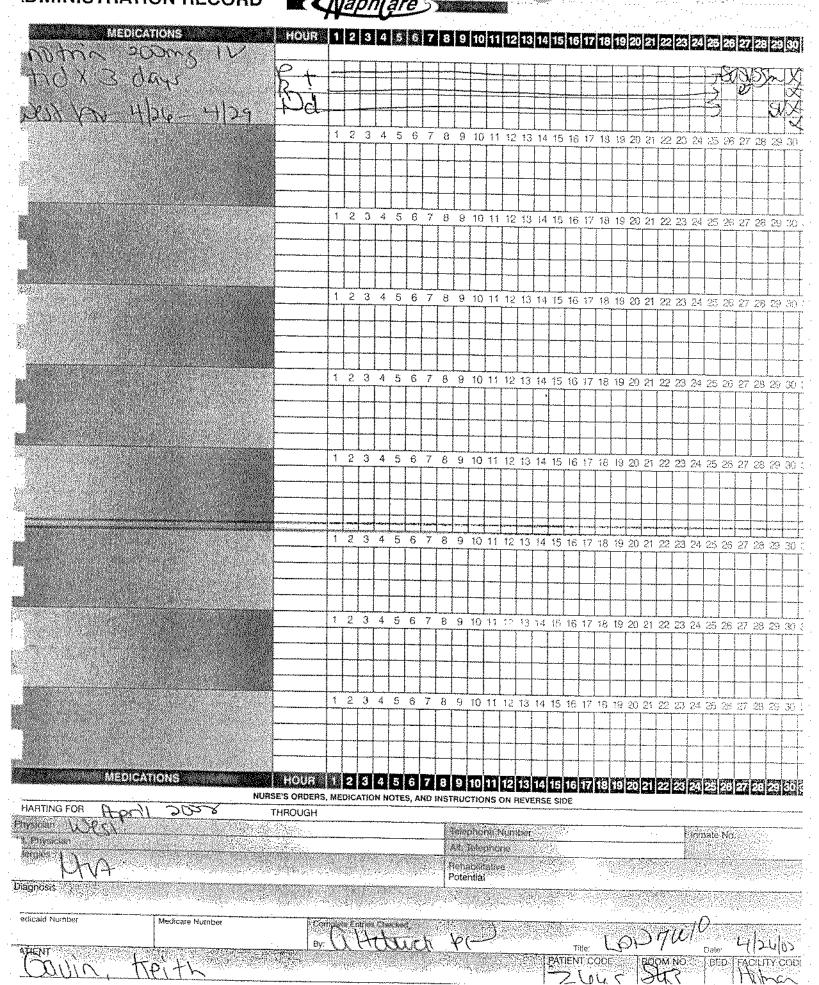
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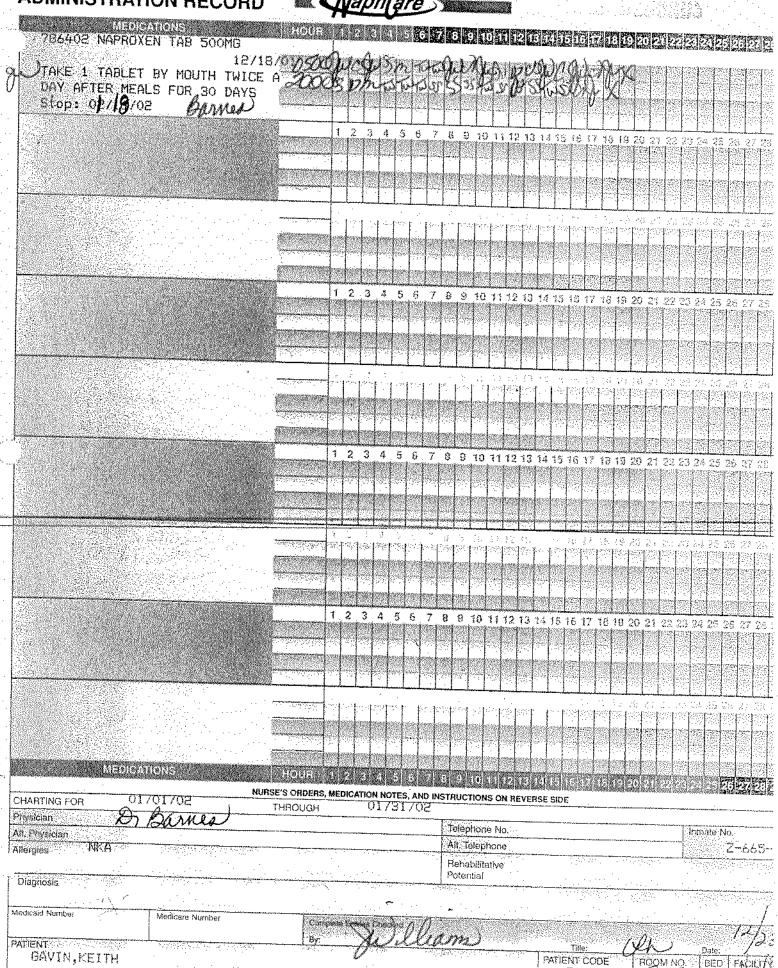
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# MEDICATION ADMINISTRATION RECORD





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### MEDICATION -ADMINISTRATION RECORD



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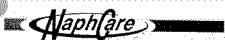
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